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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,297	08/30/2006	Gay Joyce Cornelius	102792-608-10458P1 US	8924
27389 7590 03/28/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER NGUYEN, TUAN N	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 03/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,297	Applicant(s) CORNELIUS ET AL.	
	Examiner Tuan N. Nguyen	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/7/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 1-3 and 5-18 are objected to because of the following informalities: "the rim" on line 5 of claim 1 lack antecedent basis in the claim; "from which part liquid" in lines 2-3 of claim 3 is grammatically incorrect; and "treated.." on line 3 of claim 3 should be --treated.--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 3 and 16, it is unclear as to what structure is being claimed in claim 3 since the claim invention of Fig. 1 does not appear to show such a claimed feature. With respect to claim 17, it is unclear as to what liquid is being claimed in claim 17 since the specification fails to set forth the bound or fails to define what liquid is of the type does not dry out to leave a solid residue. They are being examined as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dreifuss (954,426) in view Kammsteiner (5,457,822) and Ewing et al. (2,760,209).

Dreifuss discloses a device for dispensing a liquid into a vessel (29) having a reservoir (1,19) of fluid, which is obviously in liquid form, a syphonic-action elongated liquid delivery means (24,22) having a proximal end inside the reservoir adjacent the bottom thereof and a distal end (resting on the rim of bowl (29)) from which the fluid is dispensed as a liquid or as a vapor, the liquid delivery means is in the form of capillary feed means (24) and the device is self-priming via the capillary feed. Although the Dreifuss does not teaches means for securing the device adjacent a rim of the vessel with the reservoir outside the vessel as claimed, attention is directed to the Kammsteiner reference which discloses an analogous device for dispensing disinfectant having means (10, 10') for securing a reservoir (6), containing a liquid as claimed, to a rim of a vessel having the structures as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Dreifuss device, means for securing a reservoir, containing a liquid as claimed, to a rim of a vessel as, for example, taught by Kammsteiner in order to provide an alternative method and structure to secure a disinfectant reservoir to the rim of a

toilet vessel. The reservoir and tube (22) of Dreifuss can obviously be a flexible wall reservoir and the plastic tube (27) as, for example, taught by Ewing et al., which discloses an analogous dispensing device. The method of claim 18 would obviously be inherent in lieu of the discussion above.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dreifuss in view Kammsteiner (as discussed above) and in further view of MoodyCliffe et al (2004/0049839).

Dreifuss in view Kammsteiner, as best understood, does teach a non-drying liquid, as claimed. However, MoodyCliffe et al. discloses a lavatory dispenser wherein the active liquid contains a humectant to prevent phase separation and precipitation; i.e. drying (Para. 0021). Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to have utilized a liquid with humectant in the device of Dreifuss in view Kammsteiner (if not already) to prevent accumulation of solid residue.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Williams (1,349,703) teaches dispensing device with capillary and syphonic action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

Art Unit: 3751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Nguyen/
Primary Examiner, Art Unit 3751

TN